

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 21, 2014

Budget Retreat 2:00 p.m. Work Session 4:00 p.m. Policy Session 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

2:00 P.M. - 4:00 P.M. BUDGET WORK SESSION – MAIN CONFERENCE ROOM

1. BUDGET VISION RETREAT – Discussion item only, no action will be taken on the budget.
2. MEDIA TRAINING

4:00 P.M. WORK SESSION – COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Ikani Taumoepeau, Economic Development Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:25 p.m.

3. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

Due to a technical difficulty, the audio recording didn't begin until several minutes into the meeting.

13. Evans Ranch Final Plat

Councilmember Bradley stated that a resident asked him about the timing of the construction. Nate Shipp, representing DAI, said the homes will be built starting at the north end of the development. The LDS Church is buying a lot and will build on its own schedule.

Councilmember Ireland asked how the sewer line will work. Mr. Shipp explained that all of the lots except for the three model homes will be on one outfall line leading into SilverLake. Once the line is connected, the lift station will be removed.

14. Fiscal Year 2013 Financial Audit

Ron Stewart, a partner in Gilbert & Stewart, the City's contracted, independent audit firm, reported on the fiscal year 2013 financial audit. The audit report expressed an "unqualified opinion" that the financial records present an accurate picture of the City's finances, according to generally accepted accounting principles. This is the best opinion that a city can receive.

Mr. Stewart explained the audit report by individual pages. He described the various City fund accounts and the financial controls that are in place. The report indicated that the Community

1 Development Fund was overspent by \$32,000. Some of the debt service funds were also
2 overspent.
3

4 Councilmember Bradley asked if Mr. Stewart found any gross misrepresentations in the City's
5 financial records. He replied that there were none; however, he suggested that the Finance
6 Department be a little more careful to be sure that all the numbers match up. A few accounts had
7 some discrepancies, which he felt happened inadvertently.
8

9 17. Consolidated Fee Schedule

10 Finance Director Paul Jerome said that the fee for the first trash can on each account will be
11 reduced by one dollar and that dollar would be applied to the storm drain fee for each account.
12 This will allow the City to adequately fund the storm drain system.
13

14 Councilmember Ireland asked what services the Storm Drain Department will provide using those
15 extra funds. Public Works Director Chris Trusty responded that the department will be able to
16 meet new state requirements for inspections and pollution prevention plans. They would also like
17 to control spring run-off in the Hidden Valley area.
18

19 Councilmember Steinkopf asked if the rate changes will result in a net decrease for the residents.
20 Mr. Jerome explained that the trash fee decrease will directly offset the storm drain fee increase.
21

22 Councilmember Ireland asked if the reduction in the trash fee reflects the reduction in tipping fees
23 at the landfill. Mr. Jerome said the reduced tipping fees provide the funds to cut the trash fee,
24

25 Councilmember Westmoreland asked how long the City will be able to avoid raising trash fees.
26 Mr. Jerome said the City's contract allows for a slight increase in fees each year, but the fund has
27 enough of a balance that residents' fees won't have to be raised in the near future.
28

29 The electric rescheduling fee will be raised to reflect the actual cost of City personnel having to
30 return to properties that are unprepared for scheduled inspections.
31

32 The Library fees will pay for repair to moisture-damaged items; scans and emails provided to
33 residents; and use of computers by those without library cards. The computer use fee will be
34 effective on March 1; the others will be effective immediately.
35

36 18. Bid Award for a Transportation Master Plan Update.

37 The Master Transportation Plan has not been updated in eight years. The Plan will take a new
38 UDOT freeway alignment into consideration; as well as future road alignments at the Saratoga
39 Springs border, traffic projections at build-out, non-vehicular traffic and mass transit.
40

41 Proposals have been received from three companies. InterPlan's price was significantly less than
42 others. Cities which have used them recently have been very pleased with their services.
43

44 Councilmember Bradley referred to the "balanced planning policy." Mr. Trusty explained that that
45 referred to coordinating future planning with other local and regional entities, as well as developers
46 working in the City.
47

- 48 4. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City
49 Administrator to provide information to the City Council. These items are for information and do
50 not require action by the City Council.

1
2 A. Rockwell Charter School Water Agreement (*Presented by Darren Beck, Warren Price*
3 *and Wendy Lojik*)

4 Rockwell is requesting that the City contract for water and maintenance for their
5 playing fields, in exchange for allowing the fields to be used for City sports programs.
6 The school would like to collaborate with the City by providing facilities when
7 needed. The building is available; the playing fields and a track are in the planning
8 stages.
9

10 Mayor Pengra said he looked forward to working in partnership with Rockwell.

11
12 Mr. Beck noted that there is an open position on Rockwell's board of directors and
13 invited City Council members to consider serving on the board.
14

15 Councilmember Bradley asked if there is a precedent for this kind of agreement,
16 perhaps between other towns and the school district. Mr. Pili said that there wasn't.
17 City Attorney Jeremy Cook clarified that the City would not be providing water to
18 Rockwell, but waiving the requirement that Rockwell provide water to the City when
19 the fields are developed.
20

21 Councilmember Bradley asked what the financial impact would be to the City's
22 taxpayers. Mr. Pili responded that Rockwell actually owes water rights to the City.
23 Two elementary schools have also not provided water rights. The City chose to waive
24 the water debt of existing schools and the district agreed to provide the required water
25 rights for new schools. While the water will cost the City money, it will receive the
26 use of needed playing fields and clean up a weedy area at one of the entrances to the
27 City.
28

29 B. Rural Economic Development Loan/Grant

30 Ikani Taumoepeau, Economic Development Director, explained that when the
31 Business Incubator Program was initiated, it was expected to last for seven years,
32 based on the available funds, none of which came from tax revenue. The City has
33 been seeking out grants to extend the program without using taxpayer dollars. A 0%
34 interest grant/loan (REDL/G) was received from the USDA last year. REDL/G funds
35 are designed to build the economies of rural areas. The funds will extend the
36 incubator program approximately ten years. The program has depended on a
37 partnership with Direct Communications. DirectCom proposes to build an office
38 building, which will provide much-needed business space.
39

40 Councilmember Bradley asked why the City is doing this. Economic Development
41 Director Ikani Taumoepeau explained it will provide office space for businesses in
42 Eagle Mountain. He said that Eagle Mountain is one of the worst locations for
43 economic development. This loan/grant program levels the playing field.
44

45 Councilmember Bradley felt that the free market should take care of needs like that.
46 He felt that taking money from the Federal government to help a private company
47 amounts to socialism.
48

49 Mr. Pili said that the City government can choose to do nothing to provide jobs and
50 diversify the tax base. For those in government who want to do something about it,

1 this is the least intrusive method. The money doesn't come from taxpayer funds, but
2 from repayments by other recipients on previous loans.
3

4 Councilmember Bradley asked what the REDL/G will cost the City. Mr. Pili
5 answered that there will be a \$60,000 up-front cost, which will be paid back. The
6 \$60,000 will come from the original \$500,000 incubator fund.
7

8 Diane Bradshaw of Direct Communications noted that her company is a utility, not a
9 real estate company, and is not looking to profit on the deal. Their goal is to help the
10 City prosper and increase its economic development, which will ultimately benefit the
11 company, because it plans to stay in Eagle Mountain.
12

13 C. Storm Water Management

14 Public Works Director Chris Trusty presented an introduction to the Municipal
15 Separate Storm Sewer System (MS4), the UPDS and the Storm Water Management
16 Program (SWMP). The EPA published the Storm Water Phase 2 Rule in 1999 in an
17 effort to protect the nation's watersheds. The Utah Department of Environmental
18 Quality administers the program in Utah. Municipalities in urban areas are required to
19 develop a Storm Water Management Plan.
20

21 Some of the steps the City will take to comply with the law include joining the Utah
22 County Storm Water Coalition, training employees in inspection and reporting,
23 mapping the storm water system, creating a storm system maintenance schedule,
24 adopting a storm water ordinance, and educating builders and contractors.
25

26 Mr. Trusty said that the State used to apply these requirements only to larger cities, but
27 has gradually included smaller cities. Last year, the State included cities as small as
28 10,000 population. It expects City leadership to take ownership of complying with
29 this program.
30

31 Mayor Pengra felt that this appeared to be a "big brother" kind of Federal program.
32 He wanted to see some discretion allowed to cities. Mr. Trusty said there is some
33 discretion in the City's enforcement, but the State will audit each city and penalize
34 noncompliance.
35

- 36 5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a
37 Closed Executive Session for the purpose of discussing reasonably imminent litigation and the
38 purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code,
39 Annotated.
40

41 **MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for*
42 *the purpose of discussing reasonably imminent litigation and the purchase, lease or*
43 *exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code,*
44 *Annotated. Councilmember Steinkopf seconded the motion. Those voting aye:*
45 *Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom*
46 *Westmoreland. The motion passed with a unanimous vote.*
47

48 The Closed Executive Session was cancelled after the motion was made.
49

50 **POLICY SESSION – CITY COUNCIL CHAMBERS**

1
2 ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf
3 and Tom Westmoreland.
4

5 CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator;
6 Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City
7 Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works
8 Director; Steve Mumford, Planning Director; Adam Ferre, Energy Department Director; Kent Partridge,
9 Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.
10

11 6. CALL TO ORDER
12

13 Mayor Pengra called the meeting to order at 7:02 p.m.
14

15 7. PLEDGE OF ALLEGIANCE
16

17 Ryan Ireland led the Pledge of Allegiance.
18

19 8. INFORMATION ITEMS/UPCOMING EVENTS
20

- 21 • **City offices closure** – The City offices, including Utility Billing and the Library, will be
22 closed tomorrow, January 22 from 7:30 a.m. to 9:00 a.m. for mandatory staff training.
- 23 • **Pioneer Crossing Extension open house** – UDOT will hold an open house on Thursday,
24 January 23 at Westlake High School from 5:00 to 8:00 p.m. to provide information on a
25 proposed extension of Pioneer Crossing. More information is available on the City website,
26 Events page.
- 27 • **Miss EM orientation** – An orientation meeting for the 2014 Miss Eagle Mountain
28 Scholarship Pageant will be held on Saturday, February 1 at 10:00 a.m. Young women ages
29 17-24 are eligible to participate in the pageant, which is affiliated with the Miss America
30 organization. More information is available on the City website, Events page.
31

32 9. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns
33 and comments.
34

35 None.
36

37 10. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to
38 make comments.
39

40 Councilmember Steinkopf

41 Councilmember Steinkopf mentioned Noelle Pikus-Pace and Dan Burton, Eagle Mountain
42 athletes. Noelle qualified for the U.S. Olympic Team in skeleton and Dan is biking to the South
43 Pole.
44

45 Councilmember Burnham

46 Councilmember Burnham apologized for not attending the last meeting in person. She was sick.
47 She congratulated the new Mayor and Councilmembers.
48

49 Councilmember Ireland

Councilmember Ireland expressed appreciation for those attending the meeting. He encouraged residents to participate in the budget process that will go on over the next few months. The more input the City receives from residents, the better they can represent the public's needs.

Councilmember Westmoreland

Councilmember Westmoreland encouraged public involvement in City government.

Councilmember Bradley

Councilmember Bradley thanked those who attended the meeting and asked them to provide input for the budget process.

Mayor Pengra

Mayor Pengra noted that there was a budget discussion session earlier this afternoon. The public is always welcome to participate.

11. APPOINTMENTS

- A. Eagle Mountain City Recorder – Fionnuala B. Kofoed
- B. Eagle Mountain City Treasurer – David Mortensen

State law requires that the City Recorder and City Treasurer be reappointed after a municipal election.

MOTION: *Councilmember Bradley moved to appoint Fionnuala B. Kofoed as City Recorder and David Mortensen as City Treasurer. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

Mayor Pengra administered the oath of office to Ms. Kofoed and Mr. Mortensen.

CONSENT AGENDA

12. MINUTES

- A. January 7, 2014 – Regular City Council Meeting

13. FINAL PLAT

- A. Evans Ranch, Plat B-3

14. FY 2013 AUDIT – Acceptance of the FY 2013 Financial Audit

Mayor Pengra asked Finance Director Paul Jerome to explain the findings identified in the FY 2013 City budget by the auditor. Mr. Jerome explained that all budget amendments have to be completed before the fiscal year actually ends, which can make it difficult to get all funds properly appropriated. The Community Development Fund went over budget. Also, additional payments were made on two of the SAA bonds, the storm water fund isn't currently treated as an enterprise fund and ended up going over budget, and the transportation impact fee fund had enough money to make the road bond payment for the year, which wasn't originally budgeted for due to lack of funds.

The other issue concerned General Fund employees who work in part for the Enterprise Funds. Due to the economic crises, some employees who left, were not replaced and the amount of work they do for the enterprise funds should have been attributed to the remaining employees. If this had been recognized, then the issue of the backup for the transfer not matching the actual transfer would not have been the case.

Mayor Pengra clarified that the issues were about appropriation. The funds never went into negative balances; the transactions weren't reflected in the budgeting process.

MOTION: *Councilmember Westmoreland moved to approve the consent agenda. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

Mayor Pengra moved item 16 ahead of item 15.

15. AGREEMENT – Consideration and Approval of an Interlocal Agreement with the Unified Fire Authority for the Acquisition of Fire Protection, Emergency Response and Emergency Medical Service.

In conjunction with the annexation of the municipal boundaries of Eagle Mountain City into the Unified Fire Service Area (formerly Salt Lake Valley Fire Service Area), the City agreed to join the Unified Fire Authority, an interlocal entity. The Interlocal Agreement formalizes the City's agreement to join the Unified Fire Authority and the transfer of certain assets and personnel as set forth in the Interlocal Agreement. This item was tabled from the January 7, 2014 City Council meeting, in order to allow for adequate public notice.

MOTION: *Councilmember Steinkopf moved to approve an interlocal agreement with the Unified Fire Authority for the acquisition of fire protection, emergency response and emergency medical service. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration and Approval of a Purchase Agreement with the Unified Fire Authority.

The Purchase Agreement is a separate agreement referenced in the Interlocal Agreement that formalizes the transfer of Eagle Mountain City's two fire stations to Unified Fire Authority for the amount of \$500,000.00. This item was tabled from the January 7, 2014 City Council meeting, in order to allow for adequate public notice.

MOTION: *Councilmember Ireland moved to approve a purchase agreement with the Unified Fire Authority. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule.

1
2 This item was presented by Finance Director Paul Jerome. There are several proposed
3 amendments to the Consolidated Fee Schedule. One is to decrease the Solid Waste Fee for garbage
4 collection by a dollar and increase the Storm Drain Fee by a dollar, to reflect the actual cost for
5 these services. The amendments also include an increase to the Electric Rescheduling Fee. The
6 proposal is to increase the fee to \$50 to recover the true cost to the Energy Department and bring
7 the fee in line with the Building Department's Re-inspection Fee. The intent is to discourage
8 builders who repeatedly schedule inspections when their projects aren't ready, forcing inspectors
9 to go out to job sites numerous times. The City Library fees will be increased to cover repairing
10 water damage to returned books, charge those without library cards for computer use, and scan and
11 email items for residents.

12
13 Councilmember Burnham commented that another advantage to the library computer fee is that it
14 will encourage more residents to get library cards. Increasing library cards per capita helps with
15 the library certification process.

16
17 Councilmember Westmoreland asked for the history and purpose of the storm drain fee. Mr.
18 Jerome explained that the Storm Drain Fund was established for building systems that divert storm
19 water away from homes and businesses. This includes curb-and-gutter, drains, swales and washes.
20 As the City expands, it becomes more costly to maintain those systems. Mr. Trusty said that until
21 recently, the City didn't have a Storm Drain Department. Storm drain maintenance came from the
22 Streets Department, which was funded by B & C road funds. Road maintenance was shorted to
23 subsidize storm drain maintenance.

24
25 Councilmember Westmoreland pointed out, for the benefit of the residents who were not at the
26 Work Session, that the reduction in trash fees was the result of a reduction in tipping fees at the
27 landfill.

28
29 **MOTION:** *Councilmember Burnham moved to adopt a resolution of Eagle Mountain City,*
30 *Utah, amending the Consolidated Fee Schedule, with the stipulation that the*
31 *library computer use fee change not take effect until March 1. Councilmember*
32 *Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham,*
33 *Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with*
34 *a unanimous vote.*

35
36 The approved fees are as follows:

- 37 • Increase of \$1 per month per ERU for Storm Drain maintenance
- 38 • Decrease of \$1 per month on the Solid Waste 1st can rate
- 39 • Increase the Electric Rescheduling Fee to \$50.00
- 40 • \$2.00 fee per item for wavy/wrinkled page damage
- 41 • \$1.00 fee per item scanned or emailed by staff for residents
- 42 • \$1.00 fee per ½ hour of computer use without an Eagle Mountain library card

43
44 18. BID AWARD – Consideration and Award of Bid to InterPlan for the Eagle Mountain City Master
45 Transportation Plan Update.

46
47 This item was presented by Public Works Director Chris Trusty. This is a bid award for the City's
48 Master Transportation Plan Update.

1 Mr. Trusty said that, about a year ago, the Planning Commission recommended that the City's
2 Master Transportation Plan be updated. It hasn't been updated by an independent, outside party in
3 many years. The update will include a thorough review of the existing system, followed by
4 recommendations for future corridors, including transit and non-motorized transportation. It will
5 include guidelines for right-of-way preservation and recommendations for updates to the impact
6 fees to accomplish right-of-way preservation. It will coordinate with other local entities, including
7 Saratoga Springs, MAG, UDOT and Utah County.

8
9 InterPlan is also working on the Northern Utah County Transportation Plan, which will be an
10 advantage in creating a future transportation plan for Eagle Mountain.

11
12 **MOTION:** *Councilmember Steinkopf moved to award a bid to InterPlan for the Eagle*
13 *Mountain City Master Transportation Plan Update in the amount of \$39,936.00*
14 *and authorize the Mayor to sign the agreement. Councilmember Ireland seconded*
15 *the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland,*
16 *Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous*
17 *vote.*

18
19 Councilmember Bradley asked when the plan would be completed. Mr. Trusty said InterPlan will
20 begin holding public hearings shortly. The target date is for completion of the plan is June 1.

- 21
22 19. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and
23 Mayor's comments on City business.

24
25 Councilmember Burnham

26 No comment.

27
28 Councilmember Steinkopf

29 No comment.

30
31 Councilmember Ireland

32 Councilmember Ireland asked how the Council board liaison assignments would be made. After
33 discussion, Mayor Pengra made assignments as follows:

- 34 • Councilmember Bradley to the Planning Commission and the Military and Veterans
35 Advisory Board
- 36 • Councilmember Ireland to the Senior Council and Library Board
- 37 • Councilmember Burnham to the Youth City Council
- 38 • Councilmember Steinkopf to the Cemetery Board and the Public Works Board
- 39 • Councilmember Westmoreland to the Economic Development Board and the Parks and
40 Recreation Advisory Board

41
42 Councilmember Westmoreland

43 No comment.

44
45 Councilmember Bradley

46 No comment.

47
48 Mayor Pengra

49 No comment.

1
2 20. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to
3 report on the boards they are assigned to as liaisons to the City Council.
4

5 None.
6

7 21. COMMUNICATION ITEMS

8 a. Upcoming Agenda Items
9

10 22. ADJOURNMENT
11

12 **MOTION:** *Councilmember Ireland moved to adjourn the meeting at 7:53 p.m.*
13 *Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley,*
14 *Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The*
15 *motion passed with a unanimous vote.*